

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF
PENNSYLVANIA, Et Al.,
Respondent

v.

Calvin William ROTH,
Petitioner

Civil No.1:CV-00-1831

FILED
HARRISBURG, PA

JUN 29 2001

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

**MOTION FOR EXTENSION OF TIME TO FILE A BRIEF IN RESPONSE TO A
PETITION FOR WRIT OF HABEAS CORPUS**

AND NOW, this ____ day of June, 2001, comes the Commonwealth of Pennsylvania and files the within Motion for Extension of Time to File a Brief in Response to the Petitioner's writ of habeas corpus for the following reason:

1. The response to the petitioner's writ of habeas corpus was assigned to an attorney within the York County District Attorney's Office.
2. The copy of the petition provided to the District Attorney's Office was incomplete - two pages of the petition were not attached. One of the missing pages contained two of the petitioner's grounds for appeal.
3. The District Attorney's Office did not receive the missing pages until June 28, 2001.
4. The Commonwealth's brief is due on June 29, 2001.
5. The matters involved are of importance to the Commonwealth and require additional research and time to prepare.

6. Accordingly, the Respondent requests that this Court allow a thirty (30) day extension of time in order to complete its brief.
7. This extension is reasonable under the circumstances.
8. This motion is made in good faith and is not predicated on intent to delay.

WHEREFORE, the Commonwealth of Pennsylvania respectfully requests an extension of thirty (30) days to file its response on behalf of the Respondent.

Respectfully submitted,



William H. Graff, Esq.
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I.D. #43663

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2001 the above captioned motion has been served via First Class Prepaid Postage to:

Frank C. Arcuri
29 E. Princess Street
York PA, 17401



William H. Graff, Esq.
Chief Deputy Prosecutor
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